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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

ROSCOE EVANS, an individual on behalf of
himself and all others similarly situated,

Plaintiff,

v.

BRIGHAM YOUNG UNIVERSITY, a Utah
corporation,

Defendant.

**MOTION FOR LEAVE TO FILE UNDER
SEAL CERTAIN EXHIBITS TO
APPENDIX IN SUPPORT OF BYU'S
OPPOSITION TO PLAINTIFF'S CLASS
CERTIFICATION MOTION**

Case No. 1:20-cv-00100-TS-CMR

Judge Ted Stewart

Magistrate Judge Cecilia M. Romero

Pursuant to DUCivR 5-3(b)(2), Defendant Brigham Young University ("BYU") respectfully moves the Court for leave to file under seal Exhibits 4, 5 (portions), 6, 7, 8, 9, 10, 11, 12, 16, 21 (portions) and 23 to Appendix in Support of BYU's Opposition to Plaintiff's Class Certification Motion.

DUCivR 5-3(a)(1) provides that “[o]n motion of a party and a showing of good cause, a judge may order that a Document be sealed.” Courts within this Circuit routinely grant motions to seal “business materials containing information that may be confidential” and documents containing “confidential and proprietary” information. *See, e.g., SBM Site Servs., LLC v. Garrett*, No. 10-CV-00385-WJM-BNB, 2011 WL 1375117, at *3 (D. Colo. Apr. 12, 2011). Here, good cause exists to seal the above-referenced exhibits indefinitely because they contain nonpublic, confidential information, including internal BYU confidential communications, student information and financial information.

BYU’s request to seal is narrowly tailored, as required by the Local Rules, as it is limited to only certain exhibits in support of the Opposition to Plaintiff’s Class Certification Motion that contain sensitive confidential information. *See* DUCivR 5-3(b)(2). BYU does not request sealing of Defendant’s entire Opposition.

For these reasons, BYU requests that leave to file under seal be granted as set forth in the proposed order submitted concurrently herewith.

DATED this 1st day of October 2021.

RAY QUINNEY & NEBEKER P.C.

/s/ Sam Straight

James S. Jardine

Samuel C. Straight

Attorneys for Defendant Brigham Young University

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of October 2021, the foregoing **MOTION FOR LEAVE TO FILE UNDER SEAL CERTAIN EXHIBITS TO APPENDIX IN SUPPORT OF BYU'S OPPOSITION TO PLAINTIFF'S CLASS CERTIFICATION MOTION** was electronically filed with the Clerk of Court using the Federal Court/ECF which sent notification of such to all counsel of record.

/s/ Brandy Sears